

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THEODORE ROOSEVELT ARTHUR,)	
ID # 2036599,)	
Petitioner,)	
vs.)	No. 3:15-CV-3700-B
)	
LORIE DAVIS, Director,)	
Texas Department of Criminal)	
Justice, Correctional Institutions Division,)	
Respondent.)	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the Court is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.


For the reasons stated in the Findings, Conclusions, and Recommendation of the United States Magistrate Judge: Lorie Davis is **SUBSTITUTED** as the proper respondent in this case, and the State of Texas and the Dallas County Jail shall be terminated as respondents; the petition under 28 U.S.C. § 2254 is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state court remedies; the motion for summary judgment/default judgment (doc. 28) is **DENIED**; any non-habeas civil claims are **DISMISSED** without prejudice to raising them in a separate civil action; and the motion for injunctive relief (doc. 27) is **DENIED**. This action will be dismissed by separate judgment.

In accordance with Fed. R. App. P. 22(b) and 28 U.S.C. § 2253(c) and after considering the

record in this case and the recommendation of the Magistrate Judge, the Court **DENIES** movant a Certificate of Appealability. The Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions and Recommendation filed in this case in support of its finding that the petitioner has failed to show (1) that reasonable jurists would find this Court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

If the petitioner files a notice of appeal, he must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis* and a properly signed certificate of inmate trust account.

SIGNED this 11th day of May, 2016.



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE